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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/812,265   | 03/29/2004  | Jason Batai          | 120-346             | 2766             |
| 76661 7590 04/16/2009<br>DAVID A. DAGG, ESQ.<br>44 CHAPIN ROAD<br>NEWTON, MA 02459 |             |                      |                     |                  |
| EXAMINER<br>NGUYEN, KHAI N   |             |                      |                     |                  |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
| 2614   |             |                      |                     |                  |
| NOTIFICATION DATE  |             | DELIVERY MODE        |                     |                  |
| 04/16/2009   |             | ELECTRONIC           |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DAVE@DAVEDAGG.COM

### Office Action Summary

**Application No.**

10/812,265

**Applicant(s)**

BATAI, JASON

**Examiner**

KHAI N. NGUYEN

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-16 and 18-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-16 and 18-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments, see applicant's Remarks page 10, filed June 20, 2008, with respect to the rejection of claims 1, 13 and 25 under 35 U.S.C. § 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Coles et al. (U.S. Publication 2004/0008828 A1), in view of Perkins et al (U.S. Publication 2002/0038309 A1), and in view of Anderson (U.S. Patent Number 5,757,904).

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites limitation "responsive to said detecting said change of mode event, entering a muted command mode" that is being vague and indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention. For one with the ordinary skill in the art, this "change of mode event, entering a muted command mode" can be interpreted as (1) spoken word(s) or voice command(s) to enter a muted command mode, (2) pushing a button/key to enter a muted command mode, or (3) the call is over and entered a muted command mode. Therefore, it cannot be concluded with a complete assurance what interpretation "regards as applicant's invention" that can be used in this claim 1. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

5. Claims 1-4, 6-7, 12-16, and 18-19, and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coles et al. (U.S. Publication 2004/0008828 A1 hereinafter "Coles") in view of Perkins et al (U.S. Publication 2002/0038309 A1 hereinafter "Perkins").

Note that in claim 1, the "change of mode event, entering a muted command mode" is interpreted as "the agent is allowed to mute the agent's voice channel".

Regarding claim 1, Coles teaches a method for processing a received call (Figs. 1-3), comprising:

routing the received call to an agent (Fig. 1, 110-112 AGENT POSITION 1-N, 114-116 Telephones, 122-124 PBX Telephone Lines, 150 Private Branch Exchange (PBX), 126-128 Service Provider Lines, paragraph hereinafter “par” [0024] lines 1-5);

detecting a change of mode event (Fig. 1, 130 Interactive Voice-Response (IVR), par [0024] lines 6-9);

responsive to said detecting said change of mode event, entering a muted command mode during which a caller of said call is prevented from hearing said agent speaking; receiving, during said muted command mode, at least one call description voice command from said agent (Fig. 1, Fig. 2, 170 SPEECH, 172 VOICE RECOGNITION, par [0028] lines 1-6, i.e., mute the voice channel and speak one or more voice commands “keywords”); and

storing at least one call description voice command in a data record associated with said received call (Fig. 1, 110-112, 118-120 Workstations, 140 Host, 142 Local Area Network (LAN), par [0024] lines 10-15, i.e., database contains information relevant to the call, such as customer data record, etceteras, and paragraph [0035], lines 17-24).

However, Coles does not specifically disclose the activity code, and the activity code describes the received call. In the same field of endeavor, Perkins teaches agents to enter a wrap up code “activity code” indicate what a call was regarding, i.e., the activity code associated with at least one call description in a data record associated with the received call, wherein at least one activity code describes the received call (See Perkins – Figs. 1-8, paragraph [0025]). Perkins further teaches that there is a

need to deliver the information that allows agents to better serve the customers, make more sales and more money (See Perkins – paragraph [0037]).

Therefore, it would have been obvious to a person of ordinary in the art at the time of the invention was made to incorporate the use of the activity code associated with at least one call description in a data record associated with the received call, wherein at least one activity code describes the received call, as taught by Perkins, into the method and system of Coles in order to enhance the agent hand-free activities at the call center. Since, Coles teaches the voice recognition/ voice commands to be used by the agents in a call center, and thus adding the activity code associated with at least one call description in a data record associated with the received call, wherein at least one activity code describes the received call is to apply a known technique to a known device ready for improvement to yield predictable results (see KSR – MPEP 2143). One having ordinary skill in the art would have been motivated to make such a modification to allow the agents to better serve the customers, make more sales and more money, as per the teachings of Perkins.

Regarding claims 2, 4, 14, and 16, Coles teaches a system and a method wherein said change of mode event comprises a termination of said received call and further comprising detecting said change of mode event prior to termination of said received call (Figs. 1-3, par [0035] lines 17-21).

Regarding claims 3 and 15, Coles teaches a system and a method wherein said change of mode event comprises detection of a signal from a manual interface mechanism on a telephone headset associated with said agent (Fig. 1, Fig. 2, 174 Converter, 178 HEADSET, par [0025] lines 1-9, and par [0027] lines 1-3).

Regarding claims 6-7, and 18-19 Coles teaches a method wherein said activity code indicates that a sale occurred during said call (Fig. 3, step 230, par [0041] lines 1-3, i.e., sale invoice); and wherein said activity code indicates an identity of a calling party involved in said call (Fig. 1, 140, 412, par [0024] lines 13-15. i.e., customer data record).

Coles does not specifically disclose the activity code. In the same filed of endeavor, Perkins teaches to record a lot of information about the call using warp up "activity" codes (See Perkins – Figs. 1-8, paragraph [0025]). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the activity code, as taught by Perkins, into the method of Coles in order to record the activities via voice commands/keywords recognition.

Regarding claims 12 and 24, Coles a method and a system further comprising report logic operable to generate at least one report describing a plurality of received calls, wherein said report is based at least in part on said data record associated with said received call, and wherein said report reflects said activity code (Figs. 1-2, par [0010], and par [0024] lines 13-15, i.e., customer data records).

However, Coles does not specifically disclose the activity code. In the same filed of endeavor, Perkins teaches to record a lot of information about the call using warp up "activity" codes (See Perkins – Figs. 1-8, paragraph [0025]). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the activity code, as taught by Perkins, into the method of Coles in order to record the activities via voice commands/keywords recognition

Regarding claim 13, Coles teaches a system for processing a received call (Figs. 1-3), comprising:

call receiving logic operable to route the received call to an agent (Fig. 1, 110-112 AGENT POSITION 1-N, 114-116 Telephones, 122-124 PBX Telephone Lines, 150 Private Branch Exchange (PBX), 126-128 Service Provider Lines, par [0024] lines 1-5); and

voice recognition logic (Fig. 2, 170 SPEECH, 172 VOICE RECOGNITION) operable to

detect a change of mode event (Fig. 1, 130 Interactive Voice-Response (IVR), par [0024] lines 6-9);

responsive to said change of mode event being detected, enter a muted command mode during which a caller of said call is prevented from hearing said agent speaking; receive, during said muted command mode, at least one call description voice command from said agent (Fig. 1, Fig. 2, 170 SPEECH, 172



VOICE RECOGNITION, par [0028] lines 1-6, i.e., mute the voice channel and speak one or more voice commands “keywords”), and storing at least one call description voice command in a data record associated with said received call (Fig. 1, 110-112, 118-120 Workstations, 140 Host, 142 Local Area Network (LAN), par [0024] lines 10-15, i.e., database contains information relevant to the call, such as customer data record, etceteras, and paragraph [0035], lines 17-24).

However, Coles does not specifically disclose the activity code, and the activity code describes the received call. In the same field of endeavor, Perkins teaches agents to enter a wrap up codes “activity codes” indicate what a call was regarding, i.e., the activity code associated with at least one call description in a data record associated with the received call, wherein at least one activity code describes the received call (See Perkins – Figs. 1-8, paragraph [0025]). Perkins further teaches that there is a need to deliver the information that allows agents to better serve the customers, make more sales and more money (See Perkins – paragraph [0037]).

Therefore, it would have been obvious to a person of ordinary in the art at the time of the invention was made to incorporate the use of the activity code associated with at least one call description in a data record associated with the received call, wherein at least one activity code describes the received call, as taught by Perkins, into the method and system of Coles in order to enhance the agent hand-free activities at the call center. Since, Coles teaches the voice recognition/ voice commands to be used by the agents in a call center, and thus adding the activity code associated with at least

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one call description in a data record associated with the received call, wherein at least one activity code describes the received call is to apply a known technique to a known device ready for improvement to yield predictable results (see KSR – MPEP 2143).

One having ordinary skill in the art would have been motivated to make such a modification to allow the agents to better serve the customers, make more sales and more money, as per the teachings of Perkins.

Regarding claim 25, Coles teaches a system for processing a received call (Figs. 1-3), comprising:

means for routing the received call to an agent (Fig. 1, 110-112 AGENT POSITION 1-N, 114-116 Telephones, 122-124 PBX Telephone Lines, 150 Private Branch Exchange (PBX), 126-128 Service Provider Lines, par [0024] lines 1-5);

means for detecting a change of mode event (Fig. 1, 130 Interactive Voice-Response (IVR), par [0024] lines 6-9);

means, responsive to said detecting said change of mode event, for entering a muted command mode during which a caller of said call is prevented from hearing said agent speaking; means for receiving, during said muted command mode, at least one call description voice command from said agent (Fig. 1, Fig. 2, 170 SPEECH, 172 VOICE RECOGNITION, par [0028] lines 1-6, i.e., mute the voice channel and speak one or more voice commands “keywords”); and

means for storing at least one call description voice command in a data record associated with said received call (Fig. 1, 110-112, 118-120 Workstations, 140 Host,

142 Local Area Network (LAN), par [0024] lines 10-15, i.e., database contains information relevant to the call, such as customer data record, etceteras, and paragraph [0035], lines 17-24).

However, Coles does not specifically disclose the activity code, and the activity code describes the received call. In the same field of endeavor, Perkins teaches agents to enter a wrap up codes "activity codes" indicate what a call was regarding, i.e., the activity code associated with at least one call description in a data record associated with the received call, wherein at least one activity code describes the received call (See Perkins – Figs. 1-8, paragraph [0025]). Perkins further teaches that there is a need to deliver the information that allows agents to better serve the customers, make more sales and more money (See Perkins – paragraph [0037]).

Therefore, it would have been obvious to a person of ordinary in the art at the time of the invention was made to incorporate the use of the activity code associated with at least one call description in a data record associated with the received call, wherein at least one activity code describes the received call, as taught by Perkins, into the method and system of Coles in order to enhance the agent hand-free activities at the call center. Since, Coles teaches the voice recognition/ voice commands to be used by the agents in a call center, and thus adding the activity code associated with at least one call description in a data record associated with the received call, wherein at least one activity code describes the received call is to apply a known technique to a known device ready for improvement to yield predictable results (see KSR – MPEP 2143).

One having ordinary skill in the art would have been motivated to make such a modification to allow the agents to better serve the customers, make more sales and more money, as per the teachings of Perkins.

6. Claims 8-11, and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coles et al. (U.S. Publication 2004/0008828 A1 hereinafter "Coles") in view of Perkins et al (U.S. Publication 2002/0038309 A1 hereinafter "Perkins"), and in view of Anderson (U.S. Patent Number 5,757,904).

Regarding claims 8-11 and 20-23, Coles and Perkins disclose everything claimed as applied above (see claims 1 and 13 above). However, Coles and Perkins do not specifically disclose the commands for internal agent status (i.e., agent availability, agent is log off, etceteras). In the same field of endeavor, Anderson teaches to report internal agent present status like absent (not logged in/log off), present (logged in), busy (temporarily unavailable), and not busy (available) (Anderson – Fig. 1,114, Figs. 7-8, col. 8 lines 30-32). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the internal agent status, as taught by Anderson, into the method/system of Coles and Perkins in order to record the status via voice commands/keywords recognition. Since Coles and Perkins teach the voice recognition/voice commands to be used by the agents in a call center, and thus adding the commands for internal agent status (i.e., agent availability, agent is log off, etceteras) is

to apply a known technique to a known device ready for improvement to yield predictable results (see KSR – MPEP 2143).

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-4, 6-16, and 18-25 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAI N. NGUYEN whose telephone number is (571)270-3141. The examiner can normally be reached on Monday - Thursday 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. N. N./  
Examiner, Art Unit 2614  
04/08/2009

/Rasha S AL-Aubaidi/  
Primary Examiner, Art Unit 2614